

KENTUCKE GAZETTE

SATURDAY, NOVEMBER 3, 1787.

Proceedings of the Grand Convention Continued.

IN CONVENTION,

Monday September 17, 1787.

PRESENT

The States of New-Hampshire, Massachusetts, Connecticut, Mr. Hamilton from New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia:

RESOLVED,

THAT the preceding constitution be laid before the United States in Congress assembled, and that it is the opinion of this Convention, that it should afterwards be submitted to a Convention of delegates, chosen in each state by the people, under the recommendation of its legislature, for their assent and ratification; and that each Convention assenting to and ratifying the same, shall give notice thereof to the United States in Congress assembled.

Resolved, That that it is the opinion of this Convention, that as soon as the Conventions of nine states shall have ratified this constitution, the united states in congress assembled should fix a day on which electors should be appointed by the states which shall have ratified the same, and a day on which the electors should assemble to vote for the President, and the time and place for commencing proceedings under this constitution. That after such publication the electors should be appointed, and the senators and representatives elected: That the electors should meet on the day fixed for the election of president, and should transmit their votes certified, signed, sealed, and directed as the constitution requires, to the secretary of the united states in congress assembled; that the senators and representatives should convene at the time and place assigned; that the senators should appoint a president of the senate, for the sole purpose of receiving, opening, and counting the votes for president; and, that after he shall be chosen, the Congress, together with the president, should, without delay, proceed to execute this constitution.

By the unanimous order of the Convention,

GEORGE WASHINGTON, President.

WILLIAM JACKSON, Secretary.

IN CONVENTION,

September 17, 1787.

Sir,

WE have now the honour to submit to the consideration of the united states in Congress assembled that constitution which has appeared to us the most advisable.

The friends of our country have long seen and desired, that the power of making war, peace, and treaties; that of levying money and regulating commerce, and the correspondent executive and judicial authorities should be fully and effectually vested in the general government of the union: but the propriety of delegating such extensive trust to one body of men is evident; hence results the necessity of a different organization.

It is obviously impracticable in the federal government of these states, to secure all rights of independent sovereignty to each, and yet to provide for the interest and safety of all—individuals entering into society, must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved; and on the present occasion this difficulty was increased by a difference among the several states as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject we kept steadily in our view, that which appears the greatest interest of every true American, the consolidation of our union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each state in convention to be less rigid on points of inferior magnitude, than might have been otherwise expected; and thus the constitution, which we now present, is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation

of every state is not perhaps to be expected; but each will doubtless consider, that had her interests been alone consulted, the consequences might have been particularly disagreeable or injurious to others: that it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish.

with great respect,

We have the honour to be, sir,
Your excellency's most

Obedient and humble servants,

GEORGE WASHINGTON, President.

By unanimous order of the Convention
His excellency the president of Congress.

An Ordinance of the Government of the territory of the United States, north west of the River Ohio.

BE it ordained by the United States in Congress assembled, that the said territory, for the purposes of temporary government, be one district, subject, however to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

BE it ordained by the authority aforesaid, That the estates of both resident and non-resident proprietors in the said territory, dying intestate, shall descend to and be distributed among their children, and the descendants of a deceased child or grand child to take the share of their deceased parent in equal parts among them: and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collateral, the children of a deceased brother or sister of the intestate, shall have in equal parts among them their deceased parents share; and there shall in no case be a distinction between kindred of the whole & half blood; saving in all cases to the widow of the intestate, her third part of the real estate for life, and one third part of the personal estate; and this law relative to descents and dower shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as herein after mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her in whom the estate may be (being of full age) and attested by three witnesses; and real estates may be conveyed by lease and release, of bargain and sale, signed, sealed and delivered by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof be duly proved, and be recorded within one year after proper magistrates, courts, and registers shall be appointed for that purpose; and personal property may be transferred by delivery, saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskias, Saint Vincent's and the neighbouring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

BE it ordained by the authority aforesaid, That there shall be appointed from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

There shall be appointed from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked, he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office; it shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department; and transmit authentic copies of such acts and proceedings, every six months, to the secretary of Congress. There shall also be appointed a court, to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behaviour.

The governor and judges, or a majority of them, shall adopt and publish in the district, such laws of the original states, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress, from time to time, which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

The governor for the time being shall be commander in chief of the militia, appoint and commission all officers in the same, below the rank of general officer; all general officers shall be appointed and commissioned by Congress.

Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers, in each county, or township, as he shall find necessary for the preservation of the peace and good order in the same; after the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof, and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may hereafter be made by the legislature.

So soon as there shall be five thousand free male inhabitants of full age in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships to represent them in the general assembly; provided that for every five hundred free male inhabitants there shall be one representative; and so on progressively with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty five, after which the number and proportion of representatives shall be regulated by the legislature; provided that no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years; and be a resident in the district, or unless he shall have resided in the district three years, and in either case shall have held in his own right, in fee simple, two hundred acres of land within the same: Provided also, that a freehold in fifty acres of land in the district, having been a citizen of one of the states, and being resident in the district, or the like freehold and two years residence in the district, shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected shall serve for the term of two years, and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township for which he was a member, to elect another in his stead, to serve for the residue of the term.

The general assembly or legislature, shall consist of the governor, legislative council & a house of representatives. The legislative council shall consist of five members, to continue in office five years unless sooner removed by Congress; any three of whom to be a quorum, and the members of the council shall be nominated and appointed in the following manner, to wit, as soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress, five of whom Congress shall appoint, and commission to serve as aforesaid; and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress, one of whom Congress shall appoint and commission for the residue of the term; and every five years, four months at least before the expiration of the time of service of the members of council, the said house shall appoint ten persons, qualified as aforesaid, and return them

member to Congress. Five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council and house of representatives shall have authority to make laws in all cases for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill or legislative act whatever shall be of any force without his assent. The governor shall have power to convene, prorogue and dissolve the general assembly, when in his opinion it shall be expedient.

The governor, judges, legislative council, secretaries, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office, the governor before the president of Congress, and all other officers before the governor. As soon as a legislative session shall be formed in the district, the council and house, assembled in one room, shall have authority by joint ballot to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting, during this temporary government.

And for extending the fundamental principles of civil and religious liberty, which form the basis wherein these republics, their laws and constitutions, are erected; to fix and establish those principles as the basis of all laws, constitutions and governments, which for ever hereafter shall be formed in the said territory; to provide also for the establishment of States, and permanent government therein, and for their admission to share in the federal councils on an equal footing with the original States, at as early periods as may be consistent with general interests;

It is hereby ordained and declared by the authority aforesaid, That the following articles shall be considered as articles of compact between the original States and the people and States in said territory, and forever remain inviolable, unless by common consent, to wit:

Article 1. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of the mode of his worship or religious sentiments in said territory.

Article 2. The inhabitants of said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law; all persons shall be bailable, unless for capital offences, where the proof shall be evident or the presumption great. All fines shall be moderate, and no cruel nor unusual punishments shall be inflicted; no man shall be deprived of his liberty or property but by the judgment of his peers, or of the law of the land; and should the public exigencies make it necessary for the common preservation to take any person's property, or to demand his particular services, full compensation shall be made for the same; and in the just preservation of rights and property it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall in any manner whatever interfere with or affect private contracts or engagements, bona fide and without fraud previously formed.

Article 3. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged; the utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made for preventing wrongs being done to them, and for preserving peace and friendship with them.

Article 4. The said territory, and the States which may be formed thereon, shall forever remain a part of this confederacy of the United States of America, subject to the articles of confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in said territory shall be subject to pay a part of the federal debts contracted or to be contracted, and a proportionable part of the expenses of government, so far as portions of them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion shall be laid and levied by the authority and direction of the legislatures of the district or districts or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts or new States

shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost or duty therefor.

Article 5. There shall be formed in the said territory, not less than three nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession and consent to the same, shall become fixed and established as follows to wit. The western State in the said territory shall be bounded by the Mississippi, the Ohio and Wabash rivers; a direct line drawn from the Wabash and a Post Vincennes due north to the territorial line between the United States and Canada, and by the said territorial line to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash, from Post Vincennes to the Ohio; by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania and the said territorial line. Provided however, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the Sutherland bend or extreme of Lake Michigan; and whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted by its delegates into the Congress of the United States, on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government: Provided the constitution and government so to be formed shall be a republic, and in conformity to the principles contained in these articles; and so far as it can be consistent with the general interests of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

Article 6th. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of offences whereof the party shall have been duly convicted: Provided always, that any person escaping into the same, from whom labour or servitude is lawfully claimed in any of the original States, such fugitive may be lawfully re-claimed and conveyed to the person claiming his or her labour or service as aforesaid.

Be it ordained by the author aforesaid, That the resolutions of the 23d of April, 1784, relative to the subject of this ordinance, be and the same is hereby repealed and declared null and void.

Done by the United States in Congress assembled, the 13th day of July, in the year of our Lord 1787, and of their sovereignty and independence the twelfth.

LEXINGTON Nov. 3.

Extra of a letter from a Gent. man in Philadelphia, to his friend in this town, dated September, 1787. On the 14th Inst. arrived here his excellency the Earl of Surrey, from the court of Great Britain, as envoy extraordinary to the United States; his lordship's errand to America is to negotiate a commercial treaty with the United States, the foundation of this treaty is, that all British ports are to be opened to American vessels duty free, and a proposal to build two hundred ships every year in the ports of Boston, New York, Philadelphia, and Charles Town.

THE TRUSTEES OF LEXINGTON will meet on Saturday the 10th. of November, at 3 o'clock, at the Court house; all who have any business with them are desired to attend, and those who want Deeds for Lots will please to make previous application to the subscriber that they may be ready at that time. ROBERT PARKER ctk.

A GENEROUS PRICE WILL BE GIVEN FOR TWO OR THREE HUNDRED ACRES of land within three miles of Lexington. Enquire of the printer hereof if

FOR SALE On reasonable terms either altogether or in two parts, five hundred acres of land within three or four miles of Lexington; part of an old military claim. James M'Dowell who lives on part of said old claim will show the land if applied to, the terms may be known by applying to me in Mercer county. gw. SAMUEL M'DOWELL.

LOTS FOR SALE On repeated application from the public, I have at length condescended to dispose of a part of my land at the royal spring, near north Elk-horn, about two miles above Major Johnstons mill, for the purpose of erecting a Town, which will consist of half acre in lots and out lots proportioned at five acres each, the lots are already surveyed: any person inclining to purchase, are desired to attend at my house on Friday the sixteenth of November, when the terms of sale will be known and an equal lottery for choice be made. ELIJAH CRAIG.

A LARGE QUANTITY OF **S A L T** WILL be sold in Danville, in small parcels on the eighth day of November, to the highest bidder, for ready money only, the sale will begin at eleven o'clock, when due attendance will be given by RICHARD WOOLFOLK.

STrayed from the Rev. Mr. Rankins, in April last, a black mare, middle sized, well built, a natural trotter, and branded on the near buttock thus *n* any person who will convey said mare to me in Mercer County, or secure her so that I can get her shall receive a reward of three dollars, paid by (49) DAVID RICE.

ANY person or persons that are indebted to WILLIAM SCOTT Schoolmaster, by note, or book accounts, are desired to make immediate payment. If not they may expect what the law directs. (30) WILLIAM SCOTT, Schoolmaster.

TEN DOLLARS REWARD **STRAYED** from the subscriber last spring, a large bay mare near fifteen hands and a half high, ten or eleven years old, a large star and snip in her face and branded on the near buttock HT had on a small bell when she went away. Also a year old bay stud colt with a star and snip in his face, and one of his hind feet white, neither docket nor branded. Fayette, Oct: 30 1787. HORATIO TURPIN.

Fayette, September 5, 1787. ALL persons who have plats and certificates in the surveyors office of Fayette, are desired to apply personally, or by their agents for them. All those who fail to apply as above, may expect I shall take the most speedy methods of recovering my fees on such surveys. Those who have open accounts are desired to settle, and discharge them or close them by giving some speciality for payment to their humble servant. THOMAS MARSHALL late surveyor of Fayette.